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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,739

01/16/2004

Andrew G. Carlidge

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08/25/2006

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EXAMINER

LIVEDALEN, BRIAN J

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,739	Applicant(s) CARTLIDGE ET AL.	
	Examiner Brian J. Livedalen	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to amendment filed 7/17/2006. Claims 1-20 are pending.

Terminal Disclaimer

The terminal disclaimer filed on 7/17/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 10189326 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Malmros et al. (2003/0026762).

In regard to claim 15, Malmros discloses (fig. 28) a digital microscope imaging system (page 6, paragraph 0086), having a light source (6) to illuminate a specimen (4) (page 9, paragraph 0104); a holographic diffuser (fig. 29, 7) associated with the light

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source (page 9, paragraph 0110); a microscopic optical medium (1) to magnify the specimen (page 9, paragraph 0104); and a sensor having a plurality of pixels for receiving light from the specimen in accordance with the microscopic optical medium (page 10, paragraph 0114).

In regard to claim 16, Malmros discloses a memory to store information from the pixels (page 12, paragraph 0138).

In regard to claim 17, Malmros discloses the optical system and the sensor are associated with a digital camera (page 10, paragraph 0105).

In regard to claim 18, Malmros does not disclose the nature of the power supply. However, it is inherent that the power supply would either be AC or DC because all electrical power supplies fit into the above two categories.

In regard to claims 19 and 20, Malmros discloses a port for transferring digital images between locations or devices including a wireless port (page 12, paragraph 0140).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (5769076) in view of Vock et al. (5798519).

In regard to claims 1 and 13, Maekawa discloses (fig. 6) a portable digital microscopic imaging system and camera having a sensor (40a) having a plurality of pixels for receiving light from the specimen (column 6, lines 12-32). Maekawa discloses a microscopic optical system (34b, 38b) but fails to disclose mapping the plurality of pixels to an object field of view, the plurality of pixels being scaled to about a size of a diffraction-limited spot defined by the microscopic optical system. However, Vock discloses (fig. 4) a portable imaging system having a sensor (fig. 5, 100) having a plurality of pixels (77b); and an optical system (lens configuration) (71) that maps the plurality of pixels to an object field of view (column 3, lines 45-51); the plurality of pixels are scaled to about the size of a diffraction-limited spot (73) defined by the optical system (column 9, line 33 – column 10, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to map the plurality of pixels to an object field of view and scale the pixels to about a size of a diffraction-limited spot defined by the microscopic optical system in order increase accuracy of detection.

In regard to claim 2, Maekawa discloses (fig. 6) a microscopic imaging system having a light source (22) (column 6, 12-21).

In regard to claim 3, Maekawa discloses (fig. 6, fig 10) an enclosure (58) for the optical system and the sensor (column 7, lines 41-50).

In regard to claim 4, Maekawa discloses (fig. 6) a processor (96) that is adapted for at least one of operation within the enclosure and operation external to the enclosure in order to facilitate image generation (column 8, lines 27-32).

In regard to claim 6, Maekawa discloses (fig. 6) that the optical system and the sensor are associated with a digital camera (column 6, lines 28-31).

In regard to claim 8, Maekawa discloses that the optical system and sensor are employed in a remote medicine application (abstract).

In regard to claim 9, Maekawa discloses (fig. 6) a manual or automatic adjustment (83) (column 7, lines 18-23).

In regard to claim 10, Maekawa does not disclose the nature of the power supply. However, it is inherent that the power supply would either be AC or DC because all electrical power supplies fit into the above two categories.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (5769076) in view of Vock et al. (5798519) as applied to claim 1, and in view of Drobot et al. (20020110077).

In regard to claim 5, Maekawa in view of Vock discloses a portable imaging system. Maekawa in view of Vock fails to disclose using a holographic element to facilitate generation of an image. However, Drobot discloses an imaging system using a holographic lens (page 7, paragraph 0055). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a holographic element for imaging in order to more efficiently detect the light from the object.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (5769076) in view of Vock et al. (5798519) as applied to claims 1 and 13, and in view of Malmros et al. (2003/0026762).

In regard to claims 11 and 12, Maekawa in view of Vock discloses a portable imaging system. Maekawa in view of Vock fails to disclose the sensor being adapted for at least red, green, blue, and at least one other color. However, Malmros discloses a microscopic imaging system with a sensor adapted for at least red, green, blue, and at least one other color (page 13, paragraphs 0153-0158). It would have been obvious to one of ordinary skill in the art to make the sensor adapted for at least red, green, blue, and at least one other color in order to properly image a wide spectrum.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. (5769076) in view of Vock et al. (5798519) as applied to claim 1, and in view of Soenksen (6711283).

In regard to claims 11 and 12, Maekawa in view of Vock discloses a portable imaging system. Maekawa in view of Vock fails to disclose transferring digital images by a Firewire port. However, Soenksen discloses an imaging system that sends images to another location via a Firewire port (column 12, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a port such as a Firewire port in order to store the digital images or to communicate them to a user.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Livedalen whose telephone number is (571) 272-2715. The examiner can normally be reached on 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bjl


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